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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 ILARIA BULGARI, :
 :
 Plaintiff,
 :
 - against -
 :
 VERONICA BULGARI, in her capacity as :
 Trustee of the Anna Bulgari Family Trust #1 :
 And Trustee of the Anna Bulgari Family :
 Trust #2, :
 :
 Defendant.
 :
 -----X

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order addresses Defendant's letter motion at Dkt. 85 for an order compelling Plaintiff and her counsel to destroy all electronic documents inadvertently disclosed by Herrick, Feinstein LLP, return all paper copies of the same, and destroy all notes taken based on their content (the "Herrick documents"). Plaintiff contends that the Court has no authority to address the issue as the documents were not produced in this litigation but instead at the request of the lawyers – Meltzer Lippe – representing Plaintiff in Surrogate's Court. (See Dkt. 87.) At the same time Plaintiff has seen fit to use the Herrick documents at deposition in this case. Also of note, Herrick has demanded return of the Herrick documents from Meltzer Lippe.

The Court certainly has authority to address treatment and use of the Herrick documents vis-a-vis this case. Accordingly, the Court orders as follows: (1) Plaintiff's lawyers in this case may not, for the present, further review or use the Herrick documents in this case; (2) Plaintiff's lawyers in this case may not, for the present, further review or

consult any notes they or any other persons have taken about the Herrick documents; (3) Defendant may not use Herrick documents at deposition without first producing them to Plaintiff in this case, at which point Plaintiff's lawyers may review and use in this case those particular documents; (4) by **January 6, 2023**, Defendant shall identify to Plaintiff the documents from the Herrick file that Defendant claims are protected by attorney-client privilege or other applicable privilege or protection; and (5) the parties shall then meet and confer to resolve any remaining issues. Defendant's motion is otherwise denied.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: December 23, 2022
New York, New York